

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • FAX: (415) 352-3606 • <http://www.bcdc.ca.gov>

January 23, 2004

TO: Commissioners and Alternates
FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
SUBJECT: **Staff Report and Recommendation on 2003 Annual Report**
(For Commission consideration on February 5, 2004)

Recommendation

The staff recommends that the Commission approve the attached text of BCDC's required annual report to the Governor and the Legislature.

Staff Report

Section 66661 of the McAteer-Petris Act requires the Commission to submit an annual report to the Governor and the Legislature summarizing the activities of the Commission during the previous calendar year. To meet this mandate, in the past the Commission has submitted a comprehensive and detailed report. For example, the Commission's 2001 report was 29 pages in length. It takes about three months of staff work to collect the needed information and prepare a draft annual report. However, the Commission has no staff resources dedicated exclusively to public information projects, such as an annual report. In light of current staff and budget restrictions, last year the Commission submitted an abbreviated report so that staff resources did not have to be redirected from other activities to prepare a more comprehensive annual report. The staff believes this approach is warranted again this year.

The attached report complies with the requirements of law and provides the Governor, the Legislature and the public with a satisfactory summary of the Commission's accomplishments in 2003. Therefore, the staff recommends that the Commission adopt the text and authorize the staff to make any minor editorial revisions needed for accuracy and clarity.



Bay Area San Francisco Bay Area



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EXECUTIVE DIRECTOR

Will Travis

February __, 2004

Governor Arnold Schwarzenegger
Members of the California Legislature:

SUBJECT: 2003 Annual Report

It is with great pleasure that I submit the 2003 Annual Report of the San Francisco Bay Conservation and Development Commission (BCDC) describing our work under the McAteer-Petris Act, the Susan Marsh Preservation Act, the federal Coastal Zone Management Act and the California Oil Spill Prevention and Response Act.

Last year, we approved \$471 million in development along the Bay shoreline which, as a result of our permit conditions, will allow the public to enjoy access to 3.8 miles of the waterfront. To mitigate the impacts of the projects we approved, 118.7 acres of the Bay will be restored to natural habitat. Thus, by maintaining our long-running record of advancing economic prosperity in the Bay region while at the same time protecting the Bay's natural resources we have lived up to our name—Bay conservation AND development.

California's continuing budget crisis has had significant impact on our ability to carry out the mandates of state law. The 2003 Budget Act cut our \$4.7 million dollar budget by \$485,000 and eliminated seven staff positions. These reductions came on top of earlier cuts which reduced our staff from 47.5 positions in June 2002 to 32 at the end of 2003, a reduction of nearly 33% in a year and a half.

To generate additional revenue, we are considering increasing our permit fees so that applicants will eventually pay the full cost of our permit operations. To cut costs we cancelled half of our Commission meetings last year and we are again foregoing our traditional practice of providing a comprehensive and detailed annual report. Instead, we hope you will find that the attached statistical summary provides an adequate overview of our activities in 2003.

To supplement this statistical information, I would like to highlight a few of our more important accomplishments last year:

☐ We approved permits for the following projects and activities in 2003:

- A 261 million dollar cruise ship terminal and mixed-use development project on San Francisco's Pier 30-32.
- The restoration and commercial reuse of historic bulkhead buildings along the San Francisco waterfront.
- Maintenance dredging of the Bay's shipping channels by the U.S. Army Corps of Engineers.
- A marina in a former salt pond in Redwood City.

- Using a portion of a public plaza behind San Francisco's Ferry Building for a farmers' market on weekends.
 - Building car pool lanes to reduce traffic congestion on Highway 101 in Marin County.
 - A flood control project in San Jose.
 - A toxic material remediation project which will improve the productivity of a wetland in Martinez.
 - A shoreline residential condominium project and a commercial development in Oakland.
 - Facilities for the University of California, Berkeley crew teams along the Oakland shoreline.
- The following actions were taken in 2003 to improve compliance of the laws we administer:
- We issued orders to resolve two separate violations, one involving the failure to provide required public access at a residential development along the shoreline of the Oakland Estuary in Oakland, and the other resulting from a Bay dredging and disposal operation which violated permit conditions.
 - The Superior Court upheld our permit requirements for public access in a lawsuit against BCDC initiated by a home owners association in Redwood City.
 - We amended our regulations and Senator Sher introduced legislation to improve the effectiveness of our enforcement program.
- We continued to make progress on the much needed update of the *San Francisco Bay Plan*, which guides us in making permit decisions, by amending the sections of the Bay Plan dealing with nonpoint source water pollution and revising the provisions of both the Bay Plan and the Seaport Plan dealing principally with bulk cargo designations. In other planning initiatives:
- Using funds provided by the California Coastal Conservancy, we began our formal involvement in planning the massive task of converting thousands of acres of salt ponds in the South Bay to productive wetlands. We also continued to work on the Hamilton wetland restoration project in Marin County which was transferred from federal ownership to California in 2003.
 - We continued to work with the Port of San Francisco to develop a plan for improving San Francisco's Fisherman's Wharf.
 - We formally expressed our continued support for the objectives of the Regional Agencies Smart Growth Project and the Bay Area Alliance for Sustainable Communities, a partnership which gained BCDC an award from the Congress for the New Urbanism.
 - We received a report from an independent science panel, convened at our request by the federal government, on the impacts on the Bay that would result from expanding the runways at San Francisco International Airport. Shortly after the panel completed its work, the City and County of San Francisco Board eliminated all funding for further planning of the of the runway expansion project.

I hope this brief report demonstrates to you that BCDC remains committed both to making San Francisco Bay a healthier, more productive ecosystem and to sustaining the vitality of the region that surrounds the Bay. We look forward to the challenges ahead and will continue to work to make the Bay better for future generations.

Sincerely,

BARBARA KAUFMAN
Commission Chair

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2003 ANNUAL REPORT

SUMMARY OF PERMITS, FILL AND MITIGATION ¹									
Year	Major Permits		Minor Permits ²		Permit amend-ments ⁴	Net change in Bay surface ³ (acres)	Construction cost ⁴ (\$000,000)	Public access ⁵ (acres)	Public access ⁵ (miles)
	granted	denied	granted	denied					
1970	12	1	66	0		- 72.0			
1971	26	4	61	0		- 25.1			
1972	12	3	80	0		- 7.0			
1973	17	1	71	0		- 4.4			
1974	20	0	107	1		+ 274.0			
1975	10	0	87	0		+ 5.0	100		
1976	14	0	110	0		- 2.2	43		
1977	20	0	116	0	104	+ 16.8	100	21.4	
1978	23	1	104	4	90	- 1.9	152	46.1	9.6
1979	34	0	120	2	103	+ 3.4	93	25.1	
1980	19	1	105	1	101	+ 30.0	470	134.0	
1981	23	0	134	0	125	+ 44.5	130	42.2	
1982	26	0	104	0	115	+ 262.0	379	27.0	5.0
1983	23	0	105	0	131	+ 5.0	395	26.0	6.0
1984	15	3	135	0	130	+ 12.0	97	12.0	7.0
1985	15	1	98	0	104	+ 60.0	200	35.0	6.3
1986	20	0	108	0	112	+ 11.0	639	35.0	5.1
1987	16	2	108	0	104	- 2.0	68	6.0	1.1
1988	17	1	119	2	137	+ 152.2	125	3.3	0.9
1989	17	0	114	1	144	+ 1.7	107	12.7	1.5
1990	17	1	112	0	151	- 1.5	127	12.7	2.0
1991	8	1	61	0	163	- 0.7	400	4.0	5.6
1992	10	1	84	0	140	- 1.6	97	10.4	1.9
1993	8	1	89	0	122	+ 50.1	26	0.2	0.3
1994	11	1	114	0	96	+ 1.6	383	264.0	6.9
1995	15	0	72	0	107	+ 549.6	136	2.8	0.9
1996	7	0	93	0	97	- 1.0	60	3.1	2.2
1997	14	2	109	0	94	+ 75.0	733	14.1	2.9
1998	15	1	109	0	130	+ 38.5	518	16.4	3.3
1999	10	0	103	0	124	+ 258.0	828	67.2	8.4
2000	21	0	85	0	141	+ 112.4	4,640	40.0	1.9
2001	14	0	67	0	67	+ 5,649.3	2,770	34.8	11.1
2002	6	0	75	0	103	+ 1.1	118	2.5	0.5
2003	11	0	59	0	79	+ 118.7	471	28.8	3.8
TOTAL	546	26	3,284	11	3,114	+ 7,612.5	\$14,405	926.8	94.2

¹Some authorized projects have not been built, and some projects may have been changed pursuant to subsequent permit amendments.

²Includes smaller projects approved administratively or under regionwide permits.

³Net change equals the area of the Bay created or restored through mitigation less the Bay area authorized to be filled. Includes major permits and consistency determinations only for projects through 1987 and significant administrative permits thereafter.

⁴Includes both major and minor permits.

⁵Includes major projects only.



San Francisco Bay Conservation and Development Commission

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
2003 ANNUAL REPORT**

SUMMARY OF ENFORCEMENT ACTIVITIES

Caseload at the beginning of 2003:	170
New cases opened in 2003:	50
Cases closed in 2003:	70
Caseload at the end of 2003:	150
Cease and Desist Orders issued:	2
Cases referred to the Attorney General:	3
Civil penalties received:	\$125,720

WORK PROGRAM AND BUDGET

WORK PROGRAM				
		FY 02-03		FY 03-04
		PY	\$000	PY \$000
Core Program				
Permits/Consistency Determinations		7.7	910	6.7 866
Enforcement		3.2	350	1.6 196
General Planning		4.9	600	4.0 530
Executive, Legal and Legislative Support		5.9	625	5.6 600
Administration, Commission and Clerical Support		8.0	980	7.6 920
Total, Core Program		29.7	\$3,465	25.5 \$3,112
Special Fund Projects				
Enforcement (Bay Fill Clean-up Fund)		1.1	146	0.8 155
Permits (Federal Coastal Act Grant)		1.9	154	1.0 155
Enforcement (Federal Coastal Act Grant)		0.3	49	0.3 49
Bay Resource Assessment Tool (Federal Coastal Act Grant)		0.6	72	0.3 75
Power Plant Siting (Federal Coastal Act Grant)		0.3	50	0.0 0
Water Quality (Federal Coastal Act Grant)		1.2	100	0.8 100
Federal Coastal Impact Assistance Program		0.0	200	0.0 975
Pre-Application Assistance (San Francisco Airport)		0.3	125	0.0 0
Oil Spill Prevention and Response Planning (Department of Fish and Game)		0.7	85	0.9 171
Transportation Project Review (Caltrans)		1.0	100	0.8 108
Bay Plan Amendments (Local Governments)		1.2	173	0.0 0
Total, Special Fund Projects		8.6	1,254	4.9 1,788
TOTAL PROGRAM		38.3	\$4,719	30.4 \$4,900
BUDGET				
Expenditures				
Personal Services			2,863	2,468
Operating Expenses and Equipment			1,856	2,432
Total Expenditures			\$4,719	\$4,900
Revenue				
General Fund			3,465	3,112
Bay Fill Clean-up and Abatement Fund			146	155
Reimbursements from Federal Grants			625	1,354
Reimbursements from Other Sources			483	279
Total Revenues			\$4,719	\$4,900